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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,170	10/30/2001	Louis B. Rosenberg	IMMR-0027B	1999

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IMMERSION -THELEN REID BROWN RAYSMAN & STEINER LLP
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EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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09/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/004,170

Applicant(s)

ROSENBERG ET AL.

Examiner

Jeffery A. Brier

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 53,55,56,61,66,69,71-79,81-86 and 88-101 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 53,55,56,61,66,69,71-79,81-86 and 88-101 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment and Arguments

1. At page 10 reference is made to a July 27, 2004 information disclosure statement. The office action mailed on 3/14/2006 in paragraph 2 discussed July 27, 2004 information disclosure statement and stated the foreign patents and Non-Patent Literature have not been consider because they are not present in the IFW file and that a CDROM is not a proper method of providing foreign patents and Non-Patent Literature. Thus, the foreign patents and Non-Patent Literature listed on the July 27, 2004 information disclosure statement's PTO/SB/08A 1449 have not been considered.

2. The amendment filed on 8/14/2007 has been entered. The amendments to claims 53, 55, 56, 61, and 66 do not claim the haptic-feedback device as described by applicants specification. The specification at page 24 line 18 to page 25 line 25 clearly describes the haptic-feedback device's filtering is selective and page 33 line 1 to page 36 line 32 describes the necessary steps needed to implement a selective disturbance filter. Page 34 lines 7-8 states "If it is a filter command, in step 310 the process activates, deactivates or configures the filter as appropriate to the command." Thus the claimed "selectively filtering the input data based on the haptic-feedback signal" of claim 53, the claimed "selectively filtering input data form the haptic-feedback device upon the haptic-feedback device receiving the haptic-feedback signal" of claim 55, the claimed "selectively filtering the input data to produce a held data value" of claim 56, the claimed "selectively filtering the sensor data according to a disturbance filter process" of claim 61, and the claimed "a filter configured to receive the sensor data and to provide

Art Unit: 2628

input data based on the haptic-feedback signal” of claim 66 do not claim the described haptic-feedback device's method of filtering, note figure 17 and steps 304, 306, 308, 310, 312, 314, 316, 318, and 320.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 53, 55, 56, 61, 66, 69, 71-79, 81-86, and 88-101 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 53, 55, 56, 61, and 66:

The claims have been amended such that it is not clear how the filtering is selectively or only performed when the haptic-feedback device outputs the haptic feedback force. The specification at page 24 line 18 to page 25 line 25 clearly describes the filtering is selective and page 33 line 1 to page 36 line 32 describes the necessary steps needed to implement a selective disturbance filter. The claimed “selectively filtering the input data based on the haptic-feedback signal” of claim 53, the claimed “selectively filtering input data from the haptic-feedback device upon the haptic-feedback device receiving the haptic-feedback signal” of claim 55, the claimed “selectively filtering the input data to produce a held data value” of claim 56, the claimed “selectively filtering the sensor data according to a disturbance filter process” of claim 61, and the claimed “a filter configured to receive the sensor data and to provide

Art Unit: 2628

input data based on the haptic-feedback signal” of claim 66 do not claim the described haptic-feedback device's method of filtering, note figure 17 and steps 304, 306, 308, 310, 312, 314, 316, 318, and 320. Thus, the claims are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Independent claim 53:

This claim claims a filter that filters “based on the haptic-feedback signal”, however, the claim does not claim when the filter filters due to “based on” and what happens when there is no haptic-feedback signal due to “based on” and when the haptic feedback device does not output the haptic feedback force.

Independent claim 55:

This claim claims a filter that filters “upon the haptic-feedback device receiving the haptic-feedback signal”, however, the claim does not claim when the filter filters due to “receiving” and what happens when there is no haptic-feedback signal due to “receiving” and when the haptic feedback device does not output the haptic feedback force.

Independent claim 56:

This claim claims a filter that filters “the input data to produce a held data values”, however, the claim does not claim when the filter filters and what happens when there is no haptic-feedback signal and when the haptic feedback device does not output the haptic feedback force.

Independent claim 61:

This claim claims a filter that filters “the sensor data according to a disturbance filter process... the disturbance filter process being associated with the haptic feedback signal”, however, the claim does not claim when the filter filters due to “associated with” and what happens when there is no haptic-feedback signal due to “associated with” and when the haptic feedback device does not output the haptic feedback force.

Independent claim 66:

This claim claims a filter that is “configured to receive the sensor data and to provide input data based on the haptic-feedback signal” and that filters “only when the haptic feedback device outputs the haptic feedback force”, however, the claim does not claim when the filter filters due to “based on” and what happens when there is no haptic-feedback signal due to “based on” and when the haptic feedback device does not output the haptic feedback force.

Dependent claims 69, 71-79, 81-86, and 88-101:

The dependent claim do not correct the above identified issues found in their respective parent claim.

5. A prior art rejection cannot be made because the metes and bounds of the claims are not definite and because the specification does not clarify the claims. Thus, an indication of allowability would be premature. In re Steele, 305 F.2d 859,134 USPQ 292 (CCPA 1962) (it is improper to rely on speculative assumptions regarding the meaning of a claim and then base a rejection under 35 U.S.C. 103 on these assumptions).

Art Unit: 2628

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:30 to 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2628

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffery A. Brier/
Primary Examiner, Division 2628